

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

GEORGE P. SORIANO,

Defendant and Appellant.

2d Crim. No. B237850
(Super. Ct. No. 2011012904)
(Ventura County)

George Soriano appeals the judgment entered following his jury trial conviction of battery by a prisoner on a non-confined person (Pen. Code,¹ § 4501.5), and resisting an executive officer (§ 69), and his admission of a prior strike conviction (§§ 667, subds. (c)(1), (e)(1), 1170.12, subds. (a)(1), (c)(1)).² The trial court sentenced him to eight years in state prison.

On April 11, 2011, appellant was in custody as a ward of the Department of Juvenile Facilities. Appellant and four other wards were in the dayroom when Youth

¹ All further statutory references are to the Penal Code.

² Appellant was also charged with committing assault with a deadly weapon on a peace officer (§ 245, subd. (c)). After announcing it had reached a verdict on all counts, the court determined that an additional instruction was necessary on the assault count. Following further deliberations, the jury indicated it was deadlocked on the assault count. The jury heard additional argument, after which another deadlock was announced. The court then declared a mistrial on the assault count, and the count was subsequently dismissed in the interests of justice.

Correctional Officer Cesar Sigala accused them of trying to smoke and ordered them to return to their rooms. The wards refused to comply and a physical confrontation ensued. Appellant managed to get out of the belly chains he was wearing and swung them, hitting Officer Sigala in the right cheek. Appellant continued resisting efforts to subdue him until he was sprayed with a chemical agent.

We appointed counsel to represent appellant in this appeal. After counsel's examination of the record, counsel filed a brief raising no issues.

On July 9, 2012, we advised appellant that he had 30 days within which to personally submit any contentions or issues that he wished to raise on appeal. Appellant filed a response in which he claims (1) the trial judge coerced the jury to reach a verdict by ordering further deliberations; (2) the verdict is contrary to the evidence; and (3) the evidence against him was fabricated. None of these claims has merit. The court merely gave the jury the option of hearing additional argument and thereafter conducting further deliberations on the assault count that was ultimately dismissed. At that point, the jury had already reached guilty verdicts on the remaining counts. Appellant's attack on the sufficiency of the evidence fails because it ignores the standard of review, which requires us to view all of the evidence in the light most favorable to the judgment. (*People v. Medina* (2009) 46 Cal.4th 913, 919.) That evidence includes eyewitness testimony from which the jury reasonably found appellant guilty of the crimes of which he was convicted. Appellant's claim that this testimony was fabricated finds no support in the record.

We have reviewed the entire record and are satisfied that appellant's attorney has fully complied with her responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 443; *People v. Kelly* (2006) 40 Cal.4th 106,

125–126.)

The judgment is affirmed.

NOT TO BE PUBLISHED.

PERREN, J.

We concur:

GILBERT, P. J.

YEGAN, J.

Ryan J, Wright, Judge
Superior Court for the County of Ventura

Arielle Bases, under appointment by the Court of Appeal; George Soriano,
in pro. per., for Defendant and Appellant.

No appearance for Plaintiff and Respondent.